

REMARKS

Applicants thank Examiner Purol for the courtesy of an interview on December 9, 2008. At the interview, Applicants pointed out the differences between the presently claimed invention and Huizinga, U.S. 4,928,833. The arguments below were presented to Examiner Purol during the interview.

Applicants have amended Claims 9 and 13. Basis for the amendment of Claims 9 and 13 find support on page 4, lines 22-25 to page 5, lines 1-10 and Figures.

**35 USC 102 (b)**

Applicants traverse the rejection of Claims 9-28 as being anticipated by Huizinga, U.S. 4,928,833.

It is submitted that the present invention is different and unobvious over Huizinga in view of the following:

First, the storage organizer of Huizinga as shown in Figures 1-6, more specifically, Figures 1-2, 3, 5 and 6, employs a horizontal support rail **6** attached to the wall for the support of the end panels **1** and **2**, and intermediate panels **3** and **4**. In contrast, the present invention does not employ a support bar, rather employs specially designed screws for support.

Second, Huizinga employs end panels **1** and **2**, next to side walls **8** and **9**. In contrast, the present invention is directly mounted on the opening side wall, thus reducing structure cost.

Third, the end panels **1** and **2** and the vertical or intermediate panels **3** and **4** of Huizinga bring support by standing on the floor. These vertical panels are extended, engaged and abutted the back wall **7**. In contrast, the end of the vertical panels of the present invention do not touch the back wall. The main reason for this strategy is that the system is easier to clean, the clothes are ventilated in the deepest part, prevent stuffing which favors insect multiplication, fungus growth or moisture accumulation. Moreover, the placing of the vertical screens away from the back wall makes it easier to adequately spread the weight of the closet and the load received by the hanging pipes that support

hanging clothes avoiding a possible maladjustment or deformation of the structure of the closet inside part.

Finally, the embodiments of Claims 17-18, 21-22 and 25 with regard to enclosure space are different from Huizenga. There is no disclosure or suggestion in Huizenga regarding the enclosure space claimed in the present invention. The vertical screens are half as wide as the depth of the shelves and the shelves are fastened at mid depth in such a way that they are spaced with regard to the enclosure, i.e., they are fastened touching the wall of the enclosure.

From the above differences, it is submitted that the modular system of the present invention does not anticipate Huizenga.

Section 102 embodies the concept of novelty—if a device or process has been previously invented (and disclosed to the public), then it is not new, and therefore the claimed invention is "anticipated" by the prior invention. Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102, it must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements "arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983).

Focusing for a moment on *arrangement* – to anticipate, the reference must teach "all of the limitations arranged or combined in the same way as recited in the claim." Applying the rule to the present case, Applicants submit that the prior art reference was not anticipated. The reference disclosed a storage organizer, wherein the panels are cut out in order to fit the horizontal support rail 6. It is submitted that the panels neither anticipate all of the elements combined in the manner claimed. In order to anticipate the invention, a prior art reference "must disclose each and every feature of the claimed invention, either explicitly or inherently." The prior art reference must clearly and unequivocally disclose the claimed invention or direct those skilled in the art to the invention without need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference." *In re Arkley*, 455 F.2d 586, 587 (CCPA 1972).

In view of the above, the withdrawal of the rejection of Claims 9-28 as being anticipated by Huizenga is respectfully requested. In the event that there are any

**In re Orozco  
U.S. Application Serial No. 10/812,434**

problems which can be expedited by telephone conference, the Examiner is invited to telephone the Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,  
**LAW OFFICE OF CARMEN PILI EKSTROM**

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